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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,794	06/01/2000	Glenn Rolus Borgward	65705-0002	1859

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SOUTH BEND, IN 46601

EXAMINER

MENGISTU, AMARE

ART UNIT	PAPER NUMBER
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2673

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DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/508,794

**Applicant(s)**

BORGWARD, GLENN ROLUS

**Examiner**

Amare Mengistu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 140-151, 153-156, 158-165, 167-173, 175-178, 180-193 and 195-197 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 140-151, 153-156, 158-165, 167-173, 175-178, 180-193, 195-197 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 147-149,153-156,170-172,175-178 recites the limitation "the inwardly curved region" in claims 147-149,170-172, lines 1-2 and the limitation "said at least one outer edge" in claims 153-156,175-178, lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

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4. Claims 140, 151,162-165,167,168,173,184-186,193,195-197 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huffman et al** (5,893,132) in view of **Eberhard et al** (6,331,867).

As to claims 140,151,162-165,167,168,173,184-186,193,195-197, **Huffman et al** (hereinafter **Huffman**) discloses an electronic book comprising: a casing having at least one display unit comprising a touch screen operable by a finger or pen to use as operating processing tool (see, figs. 2,3 (130) and figs. 5-22, col.8, lines 36-42); the casing having at least a first part and a second part (fig.2 (130,132)), said first and second parts being hinged together by a hinge means such that casing is adapted to be folded open and shut (see, figs. 1 and 2 (110)) ; the touch screen being adapted to provide at least one virtual operating element (fig.15 (294);fig.21 (360));at least one manipulation region for use by a user (fig. 11 (267,268,269),fig. 21 (360)), said manipulation region being designed in the side zone of the casing (fig.11 (267,268,269) and fig.21 (360)), at least one operating element triggering leafing through functions (col.8, lines 51-col.9, lines 6). Moreover, **Huffman** teaches a control unit (fig.3 (152)), a storage medium (fig.3 (136,154) same as RAM, ROM), information may be present in the form of text (figs. (19-20)).

**Huffman** did not explicitly teach that user can execute operations /multifunction operation with the fingers of a hand holding the case and where a operation function can be triggered by the one operation element by action of the thumb of the hand without shifting of the wrist. However; **Eberhard et al** (hereinafter **Eberhard**) clearly teaches that it is conventional to trigger one of the multifunction operation elements/keyboard with a fingers/thumbs the hand holding the casing without shifting the wrist (fig.2 (82,86)).

Therefore it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate the method of manipulating the multifunction operation of the element as taught by **Eberhard** into the system of **Huffman** because this will provide simplicity to **Huffman's device** by holding the casing by hand and manipulating the operation element at the same time.

5. Claims 142-145, 158-161,180-183,187-191, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huffman** in view of **Eberhard** as applied to claim140 and 168 above, and further in view of **Lebby et al** (5,534,888).

As to claims 142-145, 158-161,180-183,187-191, **Huffman** as modified by **Eberhard** teaches a digital display device having a hinge and also an interface unit for inputting information (fig.1 (110) and fig.3 (150)), but has failed to teach hinge includes an electronic compartment and interface unit for supplying energy. The patent of **Lebby et al** (hereinafter **Lebby**) clearly teaches that it is well known for a digital display device hinge to have an electronic compartment with a connector/adapter to be coupled to an external device (col.2, lines 59 – col.3, lines 9) also teaches an interface unit for supplying energy (fig.5 (562)).

Therefore it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to substitute the **Huffman's** hinge with the hinge system of **Lebby**, so that this will allow **Huffman's** digital display to provide several other alternatives for inputting information into the display.

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6. Claims 141 and 146 rejected under 35 U.S.C. 103(a) as being unpatentable over **Huffman** in view of **Eberhard** as applied to claim 140 and 168 above, and further in view of **Shibasaki et al** (5,270,946).

As to claims 141 and 146, **Huffman** as modified by **Eberhard** discloses a digital book includes a hinge but has failed to teach having LED to indicate the battery power. **Shibasaki et al** is cited to teach that it is conventional for digital book to have an LED to show the states of the battery (see, Abstract, col.3, lines 28-44).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have incorporate an LED by the hinge to indicate the battery power as taught by **Shibasaki et al** into the Digital book of **Huffman**, because this is an advantage for the user to indicate if it is time to charge the battery.

7. Claims 146 and 192 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Huffman** in view of **Eberhard** as applied to claims 140 and 168 above, and further in view of **Dao et al** (5,049,862).

8. As to claims 146 and 192, **Huffman** as modified by **Eberhard** teaches a digital book having a first and a second display (fig.2 (130,132)) but silent as one of the display is removable. **Dao et al** shows that is well known to detach one of the display the digital displays (see, Abstract, also figs. 5 and 6).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been use **Dao's** method of remove one of the

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displays into the system of **Huffman**, since this will provide convenience to the user by detaching on of the display when there is a need to use only one display.


***Response to Arguments***

9. Applicant's arguments with respect to claims 140-1197 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (703) 305-4880. The examiner can normally be reached on M-F, T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bain Shalwala can be reached on (703) 305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

  
Amare Mengistu  
Primary Examiner  
Art Unit 2673

A.M  
November 26, 2003